

### **REMARKS/ARGUMENTS**

Applicant thanks Examiner for the detailed Office Action dated October 3, 2007. In response to the issues raised, the Applicant offers the following submissions and amendments.

#### **Amendments**

Claim 17 has been amended to highlight that the printing fluid storage defined an enclosed volume for holding supply of printing fluid. This is described in detail in the section of the specification sub-titled "Print Cartridge".

Accordingly, the amendments do not add any new matter.

#### **Claims - 35 U.S.C. §102**

Claims 17, 2 and 4 to 7 stand rejected for lack of novelty in light of US 6,443,555 to Silverbrook.

Amended claim 17 clarifies that the casing of the cartridge defines a printing fluid storage that is an enclosed volume to hold a supply of printing fluid. The printhead module 1 disclosed in the cited reference does not have a printing fluid storage in the form of an enclosed volume.

The Applicant respectfully submits that the Examiner has gone beyond the broadest reasonable interpretation of the claims when applying the cited reference. It is well established that the broadest reasonable interpretation of the claims must be consistent with the interpretation that those skilled in the art would reach (see re Cortright, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999)). Furthermore, it is to be remembered that the broadest reasonable interpretation means that the words of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification (see MPEP 2111.01). The ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the particular field of technology.

The Examiner has equated the printhead module 1 shown in the '555 reference with the casing that houses a printing fluid storage. The Examiner goes on to equate the single printhead chip 2 with the pagewidth printhead mounted to the casing. We respectfully submit that the person of ordinary skill in the art would not interpret the single printhead chip 2 as being a pagewidth printhead. It is merely one component of a much larger pagewidth printhead assembly. Likewise the skilled addressee would not see the ink conduits running through the printhead modules 1 as printing fluid storage for the printhead. It is plainly apparent that any fluid pathways extending through the printhead modules 1 are a small part of a much larger ink distribution system. The strained interpretations that the Examiner has given to these claims elements has gone beyond the broadest reasonable interpretation. These interpretations are plainly not the ordinary and customary meaning given to the term by those of ordinary skill in the art.

With respect, the Applicant also submits that the Examiner has failed to give due weight to the preamble of claim 17. The Applicant appreciates that, in general, the preamble has no

patentable weight. However in clear cases where the preamble limits the structure of claim invention, it must be treated as a claim limitation. We submit that this is such a case and that the preamble is necessary to give life, meaning, and vitality to the claim. As discussed in MPEP 2111.02, a preamble reciting "An abrasive article" was deemed essential to point out the invention defined by claims to an article comprising abrasive grains and a hardened binder and the process of making it. The court stated "it is only by that phrase that it can be known that the subject matter defined by the claims is comprised as an abrasive article. Every union of substances capable inter alia of use as abrasive grains and a binder is not an 'abrasive article.'" Therefore, the preamble served to further define the structure of the article produced. The Applicant submits that claim 17 is directly analogous. Not every union of a casing with a printing fluid storage and pagewidth printhead is a cartridge for an inkjet printer. Therefore the preamble is essential to point out the scope and subject matter of claim. The specific elements within the '555 reference identified by the Examiner are not a cartridge as the term would be understood by the ordinary worker in this field. The plain meaning of the term cartridge is a single or unitary component for user installation in a larger device. The ordinary worker reading claim 17 in the context of the specification as a whole would readily understand that 'user removal and replacement of the cartridge' restricts the claim to arrangements that simultaneously remove and replace the entire pagewidth printhead and the printing fluid housed in the casing as a single component.

In the '555 reference, the wide format printer has a series of printhead modules that individually mount to the support structure. It feeds ink from the ink cartridges to the print heads via the support. However, '555 does not disclose an inkjet printer cartridge that has a casing with printing fluid storage and a pagewidth printhead.

Accordingly, the cited reference does not teach all the elements of claim 17 and hence it fails to support a §102 rejection. As claims 2, 4, 5, 6 and 7 depend from claim 17, they are also novel in light of the '555 disclosure.

### **Claims – 35USC§103**

Claim 3 stands rejected as obvious in light of US 6,443,555, in view of US 6,439,908 to Silverbrook.

Claim 3 depends from amended claim 17 and hence imports all its features. The '908 disclosure also fails to teach a casing that is configured for user removal and replacement of the pagewidth printhead together with the ink storage. As both citations fail to teach all the elements of claim 3, they do not support a §103 rejection.

Claims 8-10 stand rejected as obvious in light of '555 in view of US 6,281,912 to Silverbrook at al. Claims 11-16 stand rejected as obvious in light of '555 in view of US 6,281,912 to Silverbrook at al in further view of US 6,557,976 to McElfresh.

None of the cited references disclose a cartridge with casing configured for user removal and replacement of a pagewidth printhead together with the ink storage. Accordingly, the citations do not support a §103 rejection of any of the dependent claims.

**Conclusion**

It is respectfully submitted that the Examiner's rejections have been successfully traversed and the application is now in condition for allowance. Accordingly, favorable reconsideration is courteously solicited.

Very respectfully,

Applicant/s:



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